



General Assembly

Distr.: Limited
3 November 2005

Original: English

Sixtieth session

Special Political and Decolonization Committee (Fourth Committee)

Agenda item 31

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba,
Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon,
Malaysia, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal,
Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen
and Palestine: draft resolution

Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling its relevant resolutions, including resolution 58/292 of 6 May 2004,
as well as those adopted at its tenth emergency special session,

Recalling also the relevant resolutions of the Commission on Human Rights,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the report of the Special Committee to Investigate Israeli
Practices Affecting the Human Rights of the Palestinian People and Other Arabs of
the Occupied Territories¹ and the report of the Secretary-General,²

Taking note of the report of the Human Rights Inquiry Commission established
by the Commission on Human Rights³ and the recent reports of the Special
Rapporteur of the Commission on Human Rights on the situation of human rights in
the Palestinian territories occupied by Israel since 1967,⁴

¹ A/60/380.

² A/60/295.

³ E/CN.4/2001/121.

⁴ E/CN.4/2004/6 and Add.1 and A/59/256.



Recalling the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice,⁵ and recalling also General Assembly resolution ES-10/15 of 20 July 2004,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Recalling the International Covenant on Civil and Political Rights,⁶ the International Covenant on Economic, Social and Cultural Rights⁶ and the Convention on the Rights of the Child⁷ and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law, and recalling in this regard its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁸ to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention⁸ under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Reaffirming that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,⁹

Taking note of the importance of the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and of the dismantlement of settlements therein,

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force, which has resulted in the killing and injury of thousands of civilians, the use of collective punishment, the reoccupation and closure of areas, the confiscation of land, the establishment and expansion of

⁵ See A/ES-10/273 and Corr.1.

⁶ Resolution 2200 A (XXI), annex.

⁷ Resolution 44/25, annex.

⁸ United Nations, *Treaty Series*, vol. 75, No. 973.

⁹ S/2003/529, annex.

settlements, the construction of the wall inside the Occupied Palestinian Territory in departure from the Armistice Line of 1949, the destruction of property and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Expressing deep concern about the continuing detrimental impact of the extensive destruction caused by the Israeli occupying forces, including of religious, cultural and historical sites, of vital infrastructure and institutions of the Palestinian Authority, and of agricultural land throughout Palestinian cities, towns, villages and refugee camps,

Expressing deep concern also about the Israeli policy of closure and the severe restrictions, including curfews, that continue to be imposed on the movement of persons and goods, including medical and humanitarian personnel and goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and the consequent negative impact on the socio-economic situation of the Palestinian people, which remains that of a dire humanitarian crisis,

Concerned also about the continued imposition of checkpoints in the Occupied Palestinian Territory, including East Jerusalem, and the transformation of several of these checkpoints into permanent structures akin to border crossings inside the Occupied Palestinian Territory,

Expressing concern that thousands of Palestinians continue to be held in Israeli prisons or detention centres under harsh conditions impairing their well-being, and also expressing concern about the ill-treatment and harassment of any Palestinian prisoners and all reports of torture,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilians and to help the parties to implement agreements reached, and, in this regard, recalls the positive contribution of the Temporary International Presence in Hebron,

Stressing the necessity for the full implementation of all relevant Security Council resolutions,

1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁸ and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949⁸ and cease immediately all measures and actions taken in violation and in breach of the Convention, including all of its settlement activities and the construction of the wall as well as the extrajudicial executions;

3. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in extensive loss of life, vast numbers of injuries and massive destruction of homes, properties, agricultural lands and vital infrastructure;

4. *Expresses grave concern* at the use of suicide bombing attacks against Israeli civilians resulting in extensive loss of life and injury;

5. *Takes note* of the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the dismantlement of the settlements therein, and calls upon Israel to uphold its legal obligations to return the land to its original condition prior to the occupation;

6. *Demands* that Israel, the occupying Power, cease all practices and actions which violate the human rights of the Palestinian people, and that it respect human rights law and comply with its legal obligations in this regard;

7. *Demands also* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice⁵ and as demanded in resolution ES-10/15⁵ and resolution ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall;

8. *Stresses* the need to preserve the territorial integrity and contiguity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

9. *Stresses* the need in this regard for Israel to uphold its commitments in accordance with the Sharm el-Sheikh understandings, remove its checkpoints and occupying forces from within Palestinian cities and population centres, and expedite the release of prisoners and detainees and the return of deportees;

10. *Requests* the Secretary-General to report to the General Assembly at its sixty-first session on the implementation of the present resolution.